

OPENING STATEMENT OF REP. EDWARD J. MARKEY (D-MA)
ENERGY AND POWER SUBCOMMITTEE HEARING
ON H.R. 45, THE NUCLEAR WASTE POLICY ACT OF 1999
(WITH APOLOGIES TO GEORGE AND IRA GERSHWIN)
TUESDAY, FEBRUARY 9, 1999

Thank you, Mr. Chairman.

As we turn, once more to take up what I predict ultimately will become the third unsuccessful legislative effort to pass nuclear waste legislation in the last four years, I am struck once again by the keen insights into the nuclear waste issue from that unlikely quarter, George and Ira Gershwin. Let's begin by noting that what we have here is a reprise of a radioactive **Rhapsody in Blue**.

It's very clear
Plutonium is here to stay
Not for a year
Forever and a Day.
In time the Rockies may tumble
Yucca may crumble
They're only made of clay
But Plutonium is here to stay.

And that Mr. Chairman, is still our problem. So, let's just consider how best to deal with this situation.

First of all, when you hear from the nuclear utilities that Congress needs to pass legislation to build an above-ground interim storage facility and get the permanent waste repository program back on track, just remember: **It Ain't Necessarily So**. In fact, current law already provides legal authority for the construction of such a facility, but it bars it from being located in Nevada and limits its size. This was done in order to prevent any interim facility from becoming de facto permanent storage, and to protect the public integrity of the underground permanent repository program. Moreover, current law already provides a framework for studying whether Yucca Mountain is scientifically and technically suitable to serve as our nation's permanent waste repository, and for licensing such a facility **For You, For Me, For Evermore**.

Second, your nuclear utilities may be whining to you that They've **Got Plenty of Nothin'** for all the fees they've paid into the nuclear waste fund. But don't forget, they've been arguing about the waste with DOE, saying that since **You Can't Take that Away from Me**, you've breached our contract and owe us damages. The courts have bought this dubious argument, and, as a result, nuclear utility executives are telling each other "I'm just **Bidin' My Time**," waiting to receive millions in monetary or other damages from the federal government. Why then should Congress wade into the middle of this litigation with new legislation that is most likely to produce **A Foggy Day** of new breach-of-contract claims, new unrealistic deadlines, and vague new legal standards that will tie up an army of lawyers for years? The argument that Congress needs to legislate because of the litigation may work for you, **But Not for Me**.

And just remember if this bill passes, we can no longer rely on having **Someone to Watch Over Me**, over you, and over the rest of the public to assure that we are all protected from potentially lethal exposures to radiation. The EPA actually will be barred under this bill from issuing appropriate health-based radiation standards, and instead the NRC would be directed to issue weaker standards that won't

fully protect the public. Meanwhile, your constituents will be up in arms, **Waiting for the Train** and the trucks to come barreling through their neighborhoods carrying a Mobile Chernobyl of radioactive waste. So, don't be surprised if they make a **Funny Face** at you for voting for this legislation.

'S Wonderful, isn't it, how the nuclear utilities lobbyists have milked this issue for billable hours over the last four years, even though they know they don't have the votes in the Senate to override President Clinton's inevitable veto. This time, the industry lobbyists are trying to push this bill through long before **Summertime**, so they can then claim, **"I Got Rhythm"** in the House, and you Senators should bring H.R. 45 to the Floor as soon as possible if you wish to remain **The Man I Love**."

Now, I suppose this is **Nice Work if You Can Get It**, but personally, I would suggest that we just tell the nuclear industry: **Let's Call the Whole Thing Off**.